

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

GARY G. HAMPTON, JR.,

Plaintiff,

v.

LORI W. AUSTIN, et al.,

Defendants.

No. 2:20-CV-1001-DMC-P

**ORDER**

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is plaintiff's motion for leave to proceed in forma pauperis (ECF No. 5). Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted.

To: The California Department of Corrections and Rehabilitation  
1515 S Street, Sacramento, California 95814:

Plaintiff is obligated to pay the full statutory filing fee of \$350.00 for this action. In addition to any initial partial filing fee required to be assessed, plaintiff will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's inmate trust account. The agency referenced above is required to send to the Clerk of the Court the initial partial filing fee and thereafter payments from plaintiff's inmate

1 trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of  
2 \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion for leave to proceed in forma pauperis (ECF No. 5) is  
5 granted;

6 2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this  
7 action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);

8 3. The director of the agency referenced above, or a designee, shall collect  
9 from plaintiff's inmate trust account an initial partial filing fee in accordance with the provisions  
10 of 28 U.S.C. § 1915(b)(1) and shall forward the amount to the Clerk of the Court, such payment  
11 to be clearly identified by the name and number assigned to this action;

12 4. Thereafter, the director of the agency referenced above, or a designee, shall  
13 collect from plaintiff's inmate trust account the balance of the filing fee by collecting monthly  
14 payments from plaintiff's inmate trust account in an amount equal to twenty percent (20%) of the  
15 preceding month's income credited to plaintiff's inmate trust account and forwarding payments to  
16 the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28  
17 U.S.C. § 1915(b)(2), until the \$350.00 filing fee for this action has been paid in full, such  
18 payments to be clearly identified by the name and number assigned to this action;

19 5. The Clerk of the Court is directed to serve a copy of this order and a copy  
20 of plaintiff's signed in forma pauperis affidavit to the address shown above; and

21 6. The Clerk of the Court is further directed to serve a copy of this order on  
22 the Financial Department of the court.

23  
24 Dated: July 14, 2020



25 DENNIS M. COTA  
26 UNITED STATES MAGISTRATE JUDGE  
27  
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